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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-201757

DATE: February 9, 1981

MATTER OF: National Concrete Cutting, Inc.

[Untimely Protest of National Guard Bureau Contract Award]

DIGEST:

Protest filed with GAO more than 10 working days after protester has notice of initial adverse agency action is dismissed as untimely under section 20.2(a) of Bid Protest Procedures.

National Concrete Cutting, Inc. (NCC), [a potential subcontractor, protests the award of a contract] under invitation for bids (IFB) No. DAHA17-80-B-0008 issued by the United States Property and Fiscal Officer, National Guard Bureau, [for the repair of a] slot [drain] at the Bangor International Airport.

NCC essentially [contends that the National Guard Bureau changed the IFB without issuing a formal amendment to revise the specifications.] If NCC is an "interested party" within the meaning of our Bid Protest Procedures, 4 C.F.R. part 20 (1980), we believe that [NCC's protest must be dismissed as untimely under] 4 C.F.R. § 20.2(a) (1980). That section provides that [protests to our Office must be filed within 10 working days of notice of initial adverse agency action.] Here, from information furnished to NCC by a congressional source as a result of a complaint to that source, [NCC knew of the agency's adverse action at least by December 11, 1980, and its protest to our Office was not filed (received) until January 12, 1981, more than 10 working days later.] Thus, the protest is untimely. Osan Petroleum Company, Inc., B-199884, September 9, 1980, 80-2 CPD 186.

Accordingly, the protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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